

**PLANNING COMMISSION
MEETING MINUTES
Tuesday, October 3, 2022**

I. Call to Order and Roll Call –

The Meeting of the Planning Commission was called to order at 7:05 PM by Chairman Matt Kowalski with roll call:

Matt Kowalski, Chair
Tom Covert-ABS
Kyle Marsh

Thomas Phillips, Vice Chair-ABS
Alison Heatley, Secretary
Karen Roberts (10:08 PM depart)

Jim Carty (7:26 PM arrival)
Chet Hill
Wa Hubbard, Ex-Officio

Student Reps: Charlotte Bruderly (9:38 PM depart) and Julian Malek (9:44 PM depart) are present, Brock McIntyre ABS.

Also present: Michelle Aniol, Community Development Manager; Grace Whitney, Associate Planner; Megan Masson-Minock, Carlisle Wortman Associates; Justin Breyer, City Manager and City Clerk; Pamela Weber, Recording Secretary, and guests.

II. Action on Meeting minutes from: Regular Meeting Minutes – August 1, 2022

Motion Roberts; support Heatley to approve the August 1, 2022 Regular Meeting
Unanimous voice vote approval with Covert and Phillips absent.

III. Approval of agenda

Motion; Roberts: support Heatley to approve the agenda as presented.
Unanimous voice vote approval with Covert and Phillips absent.

IV. Public Hearing(s)

A. AP2022.23-02 Highline Spirits and Tasting Room- Public hearing to consider an Application for Special Land Use, for a tasting room for spirits produced off-site. The applicant is Yellowstone Architecture & Construction. The property owner is Maser Dexter, LLC. Christina Lower is the CEO and Founder of the Highline Spirits Company.

Chair Kowalski introduced the case, after which Ms. Megan Masson-Minock, of Carlisle Wortman Associates, Inc., presented her review of the special land use

application for Highline Spirits and Tasting Room. Ms. Minock stated, the applicant is proposing a 2,398 square foot craft cocktail lounge and tasting room in a vacant Suite 102 in 3126 Broad Street, the former home of the Encore Theatre. No food service, other than prepackaged snack foods, is proposed. The non-fixed flexible seating style allows for the possibility of hosting special events such as rehearsal dinners or corporate events. The proposed occupancy of the space in the existing building includes an outdoor seating area for fifty-two (52) patrons, indoor seating for ninety-eight (98) patrons, a bar, restrooms, and an area for an office. The cocktail lounge and tasting room is proposed to be open to the public daily from 10:00 a.m. to 11 p.m. and is in keeping with the City's Master Plan. Ms. Megan Masson-Minock's reviewed the special land use criteria and identified a list of recommendations to be addressed as part of Planning Commission's action on the application.

Mr. Marcus McNamara of OHM Advisors presented his findings, which include vehicle and pedestrian traffic concerns, defining the outdoor space and ensuring no trespassing, the need for plumbing requirements and a grease removal system, despite the applicant's assurance that no food will be prepared on site and dumpsters will be utilized for removal of food trash that could result from special event hosting.

Ms. Aniol provided feedback from the DAFD, which focused on ensuring an unobstructed pathway for pedestrians. She also stated the application is compatible with the City's Master Plan and is complimentary to the downtown. She clarified that all requirements listed in her report, which is in the packet, as part of a motion for Planning Commission will be monitored and upheld.

Architect Mr. Caleb Marquard informed Council that the questions raised in the reports have been addressed as well as some of the recommendations and action items. The refuse plan is to use a contracted dumpster provider.

Chair Kowalski opened the Public Hearing at: 7:54 PM

Chris Carol 3416 Central St. stated she is concerned about whether or not the sheriff's department is aware there will be an increase in impaired drivers that result from this business. Ms. Aniol reported that a liquor license will be required so the sheriff's department will be informed as LARA (The Department of Licensing and Regulatory Affairs) requires it.

Chair Kowalski closed the Public Hearing at: 7:56 PM

The Planning Commission discussion included the following:

- Will the applicant consider making the back entrance as the main entrance vs. the primary entrance as there is more space? The applicant responded that the slope outside at the back would require

reconstructing the patio. It will be the primary entrance for wheelchair using patrons.

- How will parking of larger vehicles be monitored?
- This street would be perfect for as a woonerf. Ms. Aniol stated the DDA will be updating its strategic plan and she will take that suggestion to them.
- The applicant was asked if she contacted the adjacent residents. She reports she did make an attempt, but residents were not home. She will be reaching out again.
- Should we limit the hours or the outdoor capacity due to the residences being so close? The applicant stated noise/sound levels will be within the DDA requirements.

Motion Carty; support Roberts that based on the information presented by the applicant, staff, the planning and engineering consultants, and DAFD, and following a public hearing, which the Planning Commission conducted during the October 3, 2022 Planning Commission meeting, the Planning Commission finds AP2022.23-02 Special Land Use request for Highline Spirits Tasting Room, meets the requirements set forth in Article 8 of the Zoning Ordinance, and further recommends approval to City Council, subject to all of the following conditions:

1. The use of lighting, landscaping, vertical elements like umbrellas (in the outdoor service area), and contrasting color, either in the improvements to the rear façade or proposed furniture, shall be provided to the satisfaction of the Zoning Administrator;
2. Applicant must obtain a zoning compliance permit for the outdoor service area, in accordance with Section 3.31 of the Zoning Ordinance.
3. The applicant shall address concerns cited herein regarding both the existing front and rear doors functioning as primary entrances to the satisfaction of the Zoning Administrator;
4. A FOG control (fat/oil/grease separator) system shall be installed and clarification provided regarding refuse disposal;
5. Safe vehicular and pedestrian access and circulation shall be provided, as cited herein;
6. Staff review, dated September 26, 2022;
7. CWA review, dated September 20, 2022;
8. OHM review, dated September 20, 2022; and
9. DAFD review, dated September 26, 2022.

Ayes: Marsh, Carty, Roberts, Heatley, Hill, Hubbard, Kowalski

Nays: None

Absent: Covert, Phillips

Motion carries

B. Zoning Ordinance Update – Public hearing to consider an update and reformat of the Zoning and Subdivision Ordinances for the City of Dexter. The proposed Zoning Ordinance establishes form-based zoning districts, creates new definitions, updates current zoning districts and creates new zoning districts. The update will also establish new regulations for landscaping, signs, and parking; permitted and special land uses; and will revise the City's zoning map to match the new ordinance text. The Subdivision Control Ordinance sets forth the procedures and requirements for platting of subdivisions in accordance with PA 288 of 1967 (The Subdivision Control Act), as amended. The changes to the Zoning and Subdivision Ordinance will implement land development goals established in the Master Plan, which was adopted in 2019. Discussion and possible action to recommend adoption to City Council, following the public hearing.

Ms. Megan Masson-Minock of Carlisle-Wortman gave a presentation on the purpose of the Zoning Ordinance rewrite:

- Update Zoning and Subdivisions Ordinances
- Update zoning of annexed areas to match process in the Master Plan
- Update density, uses & building types using form-based approach
- Update residential uses per Housing Task Force

And in general, to preserve what makes Dexter, Dexter. The primary change in the ordinance is from “User Based” to “Form Based”.

Chair Kowalski opened the Public Hearing at: 9:00 PM

Mr. Jim McCargar 3580 Hudson St. read his written comments (dated 10/3/22) in response to the recommended changes in the zoning ordinance. Copies of his comments were provided to Planning Commission Members and to some audience members.

Mr. John Coy 8825 Trinkle Road. Speaking before you on item #4 on Michelle's report and outlined by the consultants. Multi-families are currently allowed in the VR district but won't be if the current proposal unless we make this change. My hope is that the property is changed to not create a non-conforming use. I believe the current multi-family housing is a good transition between the commercial and the residential down the street and making it a special use within the Village Commercial is probably the best way to handle that.

Chair Kowalski closed the Public Hearing at: 9:11 PM

Chairman Kowalski publicly thanked the staff, Ms. Megan Masson-Minock, Councilpersons Ms. Wa Hubbard and Ms. Jamie Griffin for all of their work over the past month to incorporate all of the feedback into a revised document.

Motion Carty; support Roberts that pursuant to Section 23.06 of the City of Dexter Zoning Ordinance, together with the information presented by staff and the input received during the public hearing conducted by the Planning Commission on October 3, 2022, the Planning Commission recommends that City Council approve the Updated Zoning and Subdivision Ordinances, subject to the following changes: Conditions ix shall not be approved and we should discuss each of these before we approve.

A friendly amendment was made to modify the above motion such that the conditions in numerals i-iv and vi-viii will be "shall" and conditions v and ix will be "shall not be".

- i) VR-1 zoning district **shall** be limited to the areas in the original Village currently zoned VR, which includes an area from Alpine Street to the railroad, to the north side of Central Street, and to the CBD border, as cited herein;
- ii) The remainder of the Old Village neighborhood, which were proposed for VR-1, **shall** be change to VR-2, as cited herein;
- iii) The parcels located on the east side of Central, between the railroad and the Huron River **shall** be rezoned to VR-2, as cited herein;
- iv) The two RD District parcels on Second Street (i.e., Adair and neighboring parcel to the northeast) **shall** revert back to the current I-1 zoning district, as cited herein;
- v) The eastern block facing Second Street, between Inverness and Hudson Streets **shall not** be changed to VR 2, as cited herein;
- vi) The zoning of 8033 Huron Street **shall** be changed to VC district, as cited here;
- vii) First floor residential uses on Type A and E parcels on Downtown B and Village Streets **shall** be allowed in the CBD District, as cited herein;
- viii) The setback between principal buildings and accessory structures in the PF, I-1 and RD districts **shall** be changed to 10 feet and the maximum height of an accessory structure not exceed the height of the principal building or maximum building height for the zoning district, whichever is less, as cited herein;

ix) There **shall not** be a requirement for a 25% lot coverage in the required rear yard in the R-1, VR-1 and VR-2 districts; as cited herein; and

Ayes: Roberts, Hill, Carty, Hubbard, Heatley, Marsh, Kowalski

Nays: None

Absent: Covert, Phillips

Motion carries

V. Pre-Arranged Participation - None

None

VI. Reports of Officers:

A. Chairman Report – None

B. Planning Commissioners and Council Ex officio Reports –

Ms. Wa Hubbard summarized the presentation on the B2B next steps, which included the pros and cons of utilizing the old Bell Road bridge or a newly constructed bridge to span Mill Creek and connect with Dexter Chelsea Road. She also reported there will be a public meeting held, on Oct. 13, 2022 at 6:00 PM, about the two proposals for a new fire station.

C. Committee Reports – Councilmember Hill reported the ZBA met about a variance on Broad St. It was for a garage extension of 6.5' in one direction. A neighbor disapproved so the request changed to the other direction and it was approved.

D. Community Development Office Reports – CDM

Ms. Aniol had nothing additional to add to her report in the packet. There were no questions or comments from Councilmembers.

VII. Citizen Wishing to Address the Commission (Non-Arranged Participation) –

None

VIII. Old Business – None

IX. New Business – None

X. Proposed business for Monday, November 7, 2022:

A. Annual Review of Bylaws

XI. Citizens wishing to address the Commission –

Mr. Jim McCargar, 3580 Hudson Street. Expressed his disappointment that the commission didn't address the comments he made during the public hearing, especially the relationship between Smart Growth and environmental issues, such as climate change and zoning on Second Street.

XII. Adjournment

Motion Heatley; support Hill to adjourn at 10:13 PM.

Unanimous voice vote approval with Covert and Phillips absent.

Respectfully submitted,

Pamela Weber

Recording Secretary

Approved for Filing: November 7, 2022